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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 941,325	08 28 2001	Joseph Roberts	19930-0040001 S	6224

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EXAMINER

GEYER, SCOTT B

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 12 04 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,325

Applicant(s)

ROBERTS, JOSEPH

Examiner

Scott B. Geyer

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 18, 22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 19-21, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 4) ☐ Interview Summary (PTO-413) Paper No. s. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 15-27 in Paper No. 3 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings are objected to because of a minor informality: the fourth figure supplied by the applicant, labeled as "Fig 2B" should be changed to - - Fig. 2C - -. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Applicant should also note that this application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 recites an article formed as a "single

would have infinite size and shape. The applicant's drawings depict structures which

have a defined shape and size, and are not formed as a "single continuous structure". For purposes of examination, the examiner will assume any article with a finite shape and size to be a "single continuous structure".

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites an article formed of "teflon®". Registered trademarks cannot be included in claim language; the claim has not been treated further on its merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 15, 18, 22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook (6,425,971 B1).

As to **claim 15**, Silverbrook teaches a structural body 34 in figure 9 having a plurality of stations. Each station is defined by a chip 30 and a MEMS 18 is located on

As to **claim 18**, Silverbrook teach an access, by UV light, to each station in figure 10.

As to **claim 22**, Silverbrook teaches an article 34, having a single continuous structure. Specifically, Silverbrook teaches the article to be a glass wafer.

As to **claim 25**, Silverbrook teaches a plurality of means for securing a MEMS die. Specifically, the "plurality of means" are the chips 30, to which the MEMS 18 are attached.

Allowable Subject Matter

7. Claims 16, 19, 20, 21, 23, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record and to the examiner's knowledge does not teach or fairly suggest the instant limitations of the above cited claims. Specifically wherein claim 16 recites a recess within the structural body shaped to secure an edge of the MEMS die and a flexible retaining arm adapted to retain the MEMS die within the recess; and in claim 19 wherein the access to the MEMS die comprises a hole in the structural body, and in claim 20 wherein the access to the MEMS die comprises a slot in the structural body, and in claim 21, wherein the structural body is circularly symmetric and the plurality of stations are configured symmetrically about a central axis of the structural body, and in claim 23 wherein the article is formed of a fluoropolymer resin, and in claim

with a recess in the structural body and in claim 27 wherein the structural body is

circularly symmetric and the plurality of stations are configured symmetrically about a central axis of the structural body. Claim 17 is also objected to as being dependent upon claim 16.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (703) 306-5866. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. The examiner may also be reached via e-mail: scott.geyer@uspto.gov

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (703) 308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

S.B.G.
November 27, 2002



EXAMINER
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